

Claims 19-20

The claims 19-20 were objected to by the Examiner, because the Examiner claimed they included reference characters which were not enclosed within parentheses. The Applicants assert that this objection is improper. Claims 19-20 include mathematical expressions. These mathematical expressions include variables used in the detailed description. However, claims 19-20 do not include reference characters also used in the detailed description (e.g. **S16** referring to the grant access block in Fig. 2). Therefore, the Applicants respectfully request the Examiner remove this grounds of objection and allow claims 19 and 20.

Claims 1-3, 6, and 13-14 (the H'mimy patent in view of the Thompson patent)

Claims 1-3, 6, and 13-14 are rejected under 35 U.S.C. §103(a) over H'mimy et al., U.S. Patent No. 6,195,554 (hereinafter "the H'mimy patent") in view of Thompson et al., U.S. Patent No. 6,122,516 (hereinafter "the Thompson patent"). The Applicants respectfully traverse the arts grounds of rejection.

The H'mimy patent teaches "reassigning transmission channels in a wireless communication network based on interference levels and channel quality using forwards and backwards reassignment." (H'mimy, col. 2, lines 31-34). The H'mimy patent further teaches that "the channel quality and interference level of the preassigned transmission channel

are continually monitored, and a transmission channel is reassigned to the incoming calls when the monitor levels of channel quality and interference levels change beyond a set predetermined threshold." (H'mimy, col. 2, lines 48-53). As admitted by the Examiner, the H'mimy patent does NOT teach deciding whether to grant or deny access to a subscriber station seeking access to a communication system.

The Thompson patent teaches a wireless telecommunications system having mechanisms for allocating a radio slot for a wireless link between a central terminal and a subscriber terminal. In Fig. 5, the Thompson patent further teaches providing a radio port slave 160 within the subscriber terminal 20. The radio port slave 160 receives a request for an allocation of a radio slot. The request received by the radio port slave 160 prompts an acquisition request to a radio port manager 150. The radio port manager 150 is in communications with a radio slave 140. An acquisition request to the radio port manager 150 is granted by the radio slave 140 based only on identification of an available radio slot within the frequency channel. Finally, the Thompson patent teaches that the radio port manager 150 is "arranged to determine a transmission rate required by the subscriber terminal for said wireless link and upon receipt of the acquisition request message from the radio port slave, to issue a rate switch message to the radio port slave if the

radio port slave is not using the required transmission rate." Thompson, col. 4, line 64 - col. 5, line 1.

Claim 1

In rejecting claim 1, the Examiner alleges "Thompson teaches deciding whether to grant or deny access to a subscriber station seeking access to a communication system based on a comparison of transmission rates." However, the Thompson patent merely teaches allocating an available channel to a requesting subscriber. This is different than granting or denying access based on performance indicators and a blocking threshold value. Therefore, the H'mimy patent fails to teach, describe or make obvious the Applicant's claims, alone or in view of the Thompson patent.

The Applicants also respectfully submit that one skilled in the art would not have found it obvious to combine the teachings of the H'mimy patent with the Thompson patent. There is no suggestion in either patent to combine the separate and unrelated teaching of (1) the re-allocation of channels method taught in the H'mimy patent, with (2) a system that accommodates requests for assigning an available channel as taught by the Thompson patent.

Claims 2-3 and 6

Claims 2-3 and 6 are allowable for at least the reason that they depend directly and/or indirectly from allowable claim 1.

The Applicants respectfully request that the Examiner withdraw this art grounds of rejection and allow claims 1-3 and 6.

Claims 1, 4-5, 7-12, 15-18 and 21-23 (in further view of Egner)

Claims 1, 4-5, 7-12, 15-18 and 21-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the H'mimy patent in view of the Thompson patent and additionally Egner et al. (U.S. Patent No. 6,223,041 (hereinafter "the Egner patent")). Applicants respectfully traverse this art grounds of rejection.

Claim 1 (in further view of the Egner patent)

As indicated above, with reference to the claim 1 rejection, one skilled in the art would not have found it obvious to combine the teachings of the H'mimy patent and the Thompson patent. In addition, it was shown that the asserted combination fails to disclose or suggest Applicant's claim 1.

The Egner patent discloses a system for reconsidering or reassigning channels among the cells/sectors; wherein radio propagation

and cell/sector proximity are considered to accurately predict performance when the assignments are implemented. Thus, the Egner patent reallocates subscriber stations existing on the system "...when loading in any given cell exceeds a loading limit...or when such other operation(s) occur as to warrant a reallocation of channels." (Egner; Col. 10, lines 22-27).

The H'mimy patent teaches reallocation of subscriber stations based on interference levels or channel quality, while the Egner patent teaches reallocation of subscriber stations based on cell/sector measurements. Thus, the combination of the Egner patent with the H'mimy and Thompson patents still fail to disclose "deciding whether to grant or deny access to the subscriber station seeking access to the wireless communication system based on a comparison of the first performance indicator to the obtained blocking threshold value" as recited in claim 1.

Also, the Applicants assert that the combining of the Thompson patent with either the H'mimy patent or the Egner patent is improper. Neither the Egner patent (teaching dynamic radio resource reallocation to subscribing stations in a wireless communication system based on cell/sector measurements), nor the H'mimy patent (teaching reallocation of resources to subscribing stations in a communication system based on interference levels and channel quality) having teachings related to the

teachings of the Thompson patent (an accommodating system which allocates an available channel to requesting subscribers). Thus, there would have been no motivation for one of ordinary skill in the art at the time of the invention to combine the Thompson patent with the teachings of the H'mimy or the Egner patent.

Thus, claim 1 is allowable and allowance of claim 1 is respectfully requested.

Claims 4-5 and 7-11

Having shown that claim 1 is allowable, claims 4-5 and 7-11 are allowable for at least the reason that they depend directly or indirectly from allowable claim 1. The Applicants respectfully request that the Examiner withdraw this art grounds of rejection and allow claims 4-5 and 7-11.

Claim 12 and 21

As previously stated with reference to claim 1, the combination of the Thompson patent with the H'mimy patent and the Egner patent is improper for lack of any suggested motivation to make such a combination. However, even if combined, the combination of the H'mimy patent, the Thompson patent and the Egner patent still fails to disclose or suggest claims 12 and 21 for the reasons stated above with reference to claim 1.

Thus, claims 12 and 21 are not rendered obvious to one skilled in the art by the H'mimy patent in view of the Thompson patent and the Egner patent. Allowance of claims 12 and 21 are respectfully requested by the Applicants.

Claims 13-18

Having shown that claim 12 is allowable, claims 13-18 are allowable for at least the reason that they depend directly or indirectly from allowable claim 12. The Applicants respectfully request that the Examiner withdraw this art grounds of rejection and allow claims 13-18.

Claims 22-23

Having shown that claim 21 is allowable, claims 22-23 are allowable for at least the reason that they depend directly or indirectly

from allowable claim 21. The Applicants respectfully request that the Examiner withdraw this art grounds of rejection and allow claims 22 and 23.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application before allowance thereof, the Examiner is respectfully requested to contact the Terance Madden at (703) 390-3363.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. 1.16 or under 37 C.F.R. 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY & PIERCE, P.L.C.

By: 

Gary D. Yacura
Registration No. 35,416

GDY/TM:jcp:dg

P.O. Box 8910
Reston, VA 20195
(703) 668-8000